

311.684 Revocation of certificate -- Written admonishment -- Other disciplinary proceedings.

- (1) The board may:
 - (a) Revoke a certificate;
 - (b) Suspend a certificate for a period not to exceed five (5) years;
 - (c) Deny an application for a certificate;
 - (d) Decline to renew a certificate;
 - (e) Indefinitely restrict or limit a certificate;
 - (f) Issue a fine of up to two thousand dollars (\$2,000) per violation and/or the costs of the proceedings;
 - (g) Place a certificate on probation for a period not to exceed five (5) years;
 - (h) Reprimand the acupuncturist; or
 - (i) Impose any combination of such sanctions, upon proof that the acupuncturist has:
 1. Knowingly made or presented or caused to be made or presented any false, fraudulent, or forged statement, writing, certificate, diploma, or other document relating to an application for certification;
 2. Practiced, aided, or abetted in the practice of fraud, forgery, deception, collusion, or conspiracy relating to an examination for certification;
 3. Entered a guilty or nolo contendere plea, or been convicted, by any court within or without the Commonwealth of Kentucky, of committing an act which is or would be a felony under the laws of the Commonwealth of Kentucky or of the United States;
 4. Entered a guilty or nolo contendere plea, or been convicted, by any court within or without the Commonwealth of Kentucky, of any misdemeanor offense which has dishonesty as a fundamental and necessary element, including but not limited to crimes involving theft, embezzlement, false swearing, perjury, fraud, or misrepresentation;
 5. Become addicted to, or is an abuser of, alcohol, drugs, or any illegal substance;
 6. Developed a physical or mental disability or other condition that presents a danger in continuing to practice acupuncture to patients, the public, or other health-care personnel;
 7. Knowingly made, caused to be made, or aided or abetted in the making of a false statement in any document executed in connection with the practice of acupuncture;
 8. Aided, assisted, or abetted the unlawful practice of medicine or acupuncture;
 9. Willfully violated a confidential communication;
 10. Performed the services of an acupuncturist in an unprofessional, incompetent, or grossly or chronically negligent manner;

11. Been removed, suspended, expelled, or placed on probation by any health-care facility or professional society for unprofessional conduct, incompetence, negligence, or violation of any provision of this section;
 12. Violated any applicable provision of a statute or administrative regulation relating to acupuncture practice;
 13. Violated any term of a final order or agreed order issued by the board; or
 14. Failed to complete the required number of hours of approved continuing education.
- (2) All disciplinary proceedings against an acupuncturist shall be conducted in accordance with KRS 311.591, 311.592, 311.593, and 311.599 and Chapter 13B and related administrative regulations promulgated under KRS Chapter 311.
- (3) (a) The board may issue a written admonishment to the certified acupuncturist when, in the judgment of the board:
1. An alleged violation is not of a serious nature; and
 2. The evidence presented to the board after the investigation, including an appropriate opportunity for the certified acupuncturist to respond, provides a clear indication that the alleged violation did in fact occur.
- (b) A copy of the admonishment shall be placed in the permanent file of the certified acupuncturist.
- (c) The certified acupuncturist shall have the right to file a response to the admonishment within thirty (30) days of its receipt and to have the response placed in the permanent certification file.
- (d) The certified acupuncturist may alternatively, within thirty (30) days of the admonishment's receipt, file a request for a hearing with the board.
- (e) Upon receipt of a request for a hearing, the board shall set aside the written admonishment and set the matter for a hearing under the provisions of KRS Chapter 13B.
- (4) At any time during the investigative or hearing processes, the board may enter into an agreed order or accept an assurance of voluntary compliance with the certified acupuncturist which effectively deals with the complaint.
- (5) The board may, upon the agreement of the aggrieved party, use mediation to handle disciplinary matters. The board may appoint any member or members of the board, any staff member, or any other person or combination thereof to serve in the mediation process.
- (6) The board may reconsider, modify, or reverse its disciplinary actions.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 249, sec. 14, effective July 12, 2006.

Legislative Research Commission Note (7/12/2006). For the sake of clarity and under the authority of KRS 7.136(1)(c), the Reviser of Statutes has divided 2006 Ky. Acts ch. 249, sec. 12(1) into paragraphs and subparagraphs.